

6 May 2025

**PRIVATE AND CONFIDENTIAL**

Immigration and Citizenship Services  
Department of Home Affairs  
GPO Box 9984  
Sydney NSW 2001

***Application submitted via Immi Account.***

Dear Sir/Madam

**APPLICATION FOR FIVE YEAR RESIDENCE RETURN VISA – SUBCLASS 155**

**Applicant:** Erin Macey Richmond  
**Date of birth:** 5 December 2007  
**TRN:** EGNU8BMV4B  
**FILE REF NO:** BCC2010/7661

**INTRODUCTION**

1. I am the father of the Applicant, and she authorises me to receive written correspondence on her behalf.
2. I am authorised to provide migration assistance to the Applicant and write this submission as an Exempt Person (member of a family unit).
3. Although the Applicant has been absent from Australia for a long period of time since her residence visa was granted on 7 September 2010, she qualifies for a Residence Return Visa (**RRV**) under clause 155.212(4), Schedule 2 of the Migration Regulations 1994 (**the Regulation**)<sup>1</sup> for the following reasons.

**FACTS**

4. The Applicant is 17 years old; her date of birth is 5 December 2007 (see **ATTACHMENT 1**: Birth Certificate).
5. She was granted a residence visa Class VE, Subclass 175 – Skilled Independent – on 7 September 2010 (see **ATTACHMENT 2**).

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<sup>1</sup> Unless otherwise stated all legislative references are to Schedule 2 of the Migration Regulations 1994.

6. When the visa was granted, the Applicant was 2 years and 9-month-old.
7. Around that time, the Applicant's parents were undergoing a separation, which ultimately resulted in divorce (see **ATTACHMENT 3**: Proof of Divorce).
8. Due to her young age and her parents' separation, the Applicant was unable to travel to Australia within the first five years limitation period following the grant of her permanent residence visa.

## **RELEVANT LAW**

9. The criteria for a RRV are found in clause 155.21 which is expanded below:
10. Clause 155.211 states, the Applicant:
  - (a) is an Australian permanent resident; or
  - (b) was an Australian citizen but has subsequently lost or renounced Australian citizenship; or
  - (c) is a former Australian permanent resident, other than a former Australian permanent resident whose most recent permanent visa was cancelled.**

[my emphasis added]
11. Clause 155.212 then states the applicant must meet the requirements of subclause (2), (3), (3A) or (4).

## **APPLICATION OF THE LAW TO THE FACTS**

### **Application of Clause 155.211**

12. The Applicant meet the criteria in clause 155.211(c) because she is a former Australian permanent resident and her residence visa has not been cancelled.

### **Application of Clause 155.212**

13. The Applicant must meet the requirements of subclause (2), (3), (3A) or (4) in clause 155.212.

14. The Applicant relies on subclause (4) which states:

- (4) The applicant meets the requirements of this subclause if the applicant is a **member of the family unit** of a person who:
  - (a) has been granted a Subclass 155 visa and that visa is still in effect; or
  - (b) meets the requirements of **subclause (2)**, (3) or (3A) **and has lodged** either:
    - (i) a combined application for a Return (Residence) (Class BB) visa with the applicant; or
    - (ii) **a separate application for a Return (Residence) (Class BB) visa.**

[My emphasis added]

15. I will now go through these requirements:

- a) Whether the Applicant is a member of a family unit ("MOFU").
- b) Whether the Applicant's family member meets the requirement of the first limb of subclause 155.212(4)(b) – i.e. meeting the requirement of subclause (2).
- c) Whether the Applicant's family member meets the requirement of the second limb of subclause 155.212(4)(b)(ii) – i.e. meeting the requirement of having lodged an application for RRV.

### **Whether the Applicant is a MOFU**

16. Reg 1.12 of the Regulation defines "member of a family unit" as

- (2) A person is a member of the family unit of another person (the **family head**) if the person:
  - (a) ....
  - (b) **is a child** or step - child **of the family head** or of a spouse or de facto partner of the family head (other than a child or step - child who is engaged to be married or has a spouse or de facto partner) and:
    - (i) **has not turned 18**; or

....

[my emphasis added]

17. Whether or not a person meets the definition of MOFU under Reg 1.12 depends on their relationship to the “family head”. Although not defined, policy states that a “family head” is the one person within a family from whom eligibility to be a MOFU can derive.
18. In this case that person is the Applicant’s father<sup>2</sup>. Evidentiary requirements are particularly stringent for demonstrating the relationship between a MOFU and the “family head”. Generally, government produced documentation (e.g.: birth certificates and marriage certificates) are the only acceptable documentation to demonstrate a person’s identity and their relationship to the “family head”<sup>3</sup>.
19. In this case the Applicant is a child of the family head, and the Applicant has not turned 18 years of age – refer to **ATTACHMENT 1** – Birth Certificate. There is no doubt that the Applicant is a MOFU.

**Whether the Applicant’s family member meets the requirement of the first limb of subclause 155.212(4)(b) – meeting the requirement of subclause (2).**

20. The first limb of subclause (4)(b) states the Applicant’s family member must meet the requirements of subclause (2), (3) or (3A).
21. The Applicant’s family member relies on subclause (2) which states:
  - (2) The applicant meets the requirements of this subclause if the applicant was **lawfully present in Australia for a period of, or periods that total, not less than 2 years in the period of 5 years immediately before the application for the visa and**, during that time, the applicant:
    - (a) was:
      - (i) **the holder of a permanent visa or a permanent entry permit.**

[my emphasis added]

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<sup>2</sup> Who is the “family head”, Lexis+ Australia: <https://plus.lexis.com/api/permalink/2395ac03-9fd0-4c94-b104-9d553fef9f86/?context=1539278>

<sup>3</sup> Supra, n2.

**NOTE:** The reference to “applicant” in this subclause (2) must be read as “the Applicant’s family member” by virtue of the application of subclause (4) which states “**member of a family unit who meets** the requirements of subclause (2)”.

22. The Applicant’s family member meets subclause (2) and in particular subparagraph (2)(a)(i). Subparagraph (2)(b) does not apply to the Applicant’s family member.

**Whether the Applicant’s family member meets the requirement of the second limb of subclause 155.212(4)(b)(ii) – i.e. meeting the requirement of having lodged an application for RRV.**

23. The second limb of subclause (4)(b) requires the Applicant’s family member has lodged either:

(i) a combined application for a Return (Residence) (Class BB) visa with the applicant; or

**(ii) a separate application for a Return (Residence) (Class BB) visa.**

[my emphasis added]

24. The Applicant’s family member applied for a Class BB, subclass 155 visa on 16 August 2017 after meeting the requirements in the first limb of subclause 155.212(2) and was granted a 5-year RRV visa on 19 August 2017. (see **ATTACHMENT 4** – Visa Grant Notice: BCC2017/2948406, Application ID: 2145611116).
25. That means the Applicant’s family member meets the requirement in subclause 155.212(4)(b)(ii) having lodged a separate application for a RRV, class BB visa.

**Duration of Visa**

26. Clause 155.511 states:

Permanent visa permitting the holder to travel to and enter Australia for:

(a) if paragraph 155.212 (4) (a) applies to the applicant:

(i) the period of the Subclass 155 visa mentioned in paragraph 155.212 (4) (a); or

(ii) a shorter period determined by the Minister; or

(b) if:

(i) the visa is granted pursuant to an Internet application; and

(ii) the applicant met the requirements of clause 155.211 and subclause 155.212 (2) at the time of application;

a period of 5 years from the date of grant; or

**(c) In any other case:**

**(i) A period of 5 years from the date of grant; or**

(ii) A shorter period determined by the Minister.

[my emphasis added]

27. In this case, the Applicant's family member became an Australian citizen after being on a 155 RRV, and that situation falls into "other cases" category as contemplate in subclause 155.511(c)(i).

28. Therefore, the Applicant must be granted a 5-year RRV.

## **CONCLUSION**

29. The Applicant qualifies for a RRV under clause 155.212(4), Schedule 2 of the Regulations and per clause 155.511(c)(i) she must be granted a RRV for 5 years.

If you require any further information, please contact me on (04) 1727 4441 or email to [david-richmond1@hotmail.com](mailto:david-richmond1@hotmail.com)

Sincerely yours,



**David Richmond**

## **Encl:**

ATTACHMENT 1: Applicant's Birth certificate

ATTACHMENT 2: Applicant's Residence Visa, Class VE, Subclass 175

ATTACHMENT 3: Parent's Divorce Papers

ATTACHMENT 4: Family member's 155 RRV.



**CERTIFIED COPY**  
Pursuant to the Births and



**OF AN ENTRY**  
Deaths Registration Act 1953

**BAA 416543**

<b>BIRTH</b>		Entry No. 211
Registration district Leeds		Administrative area
Sub-district Leeds		Metropolitan District of Leeds
<b>CHILD</b>		
1. Date and place of birth Fifth December 2007 General Infirmary (Clarendon Wing), Leeds		
2. Name and surname Erin Macey RICHMOND		3. Sex Female
<b>FATHER</b>		
4. Name and surname David Joseph RICHMOND		
5. Place of birth Bradford, West Yorkshire	6. Occupation Lawyer	
<b>MOTHER</b>		
7. Name and surname Catherine Victoria RICHMOND		
8.(a) Place of birth Lancaster	8. (b) Occupation Nurse	
9.(a) Maiden surname UPSALL	9. (b) Surname at marriage if different from maiden surname	
10. Usual address (if different from place of child's birth) 15 Mowbray Chase, Woodlesford, Leeds		
11. Name and surname (if not the mother or father)		12. Qualification
		Father
13. Usual address (if different from that in 10 above)		
14. I certify that the particulars entered above are true to the best of my knowledge and belief D J Richmond		
15. Date of registration Twenty-eighth December 2007		16. Signature of registrar  K J Riley Registrar
17. Name given after registration, and surname		

Certified to be a true copy of an entry in a register in my custody.

*K J Riley* {

\*Superintendent Registrar  
\*Registrar

*28.12.07*  
Date

\*Strike out whichever does not apply

CAUTION: THERE ARE OFFENCES RELATING TO FALSIFYING OR ALTERING A CERTIFICATE AND USING  
OR POSSESSING A FALSE CERTIFICATE. ©CROWN COPYRIGHT

**WARNING: A CERTIFICATE IS NOT EVIDENCE OF IDENTITY.**





**Australian Government**  
**Department of Immigration and Citizenship**

7 September 2010

**In reply please quote:**

**Primary Applicant:** Catherine Victoria RICHMOND (07 February 1978)

**Application Type:** Class VE, Subclass 175 Skilled - Independent

**Permission Request ID:** 2060533398

**Client ID:** 17947180031

**Lodgement Date:** 14 February 2010

**FILE REFERENCE NUMBER:** BCC2010/76614

**TRANSACTION REFERENCE NUMBER:** EGNU8BMV4B

**VISA GRANT DATE:** 07 September 2010

**Case Officer:** BIANCA KERR

Catherine Victoria RICHMOND

15 Mowbray Chase

Woodlesford

Leeds ENGL AND LS26 8WL

UNITED KINGDOM

Dear Catherine Victoria RICHMOND

I am pleased to advise that your application for a Class VE, subclass 175 Skilled - Independent visa was approved on 07 September 2010 and visas granted to the following applicants:

Catherine Victoria RICHMOND 07 February 1978

David Joseph RICHMOND 27 February 1972

Erin Macey RICHMOND 05 December 2007

Fraser Jack RICHMOND 12 December 2005

**Visa grant number**

The visa grant numbers for specific applicants are below:

Catherine Victoria RICHMOND 8049579483939

David Joseph RICHMOND 8049579483940

Erin Macey RICHMOND 8049579483941

Fraser Jack RICHMOND 8049579483942

This is the unique number assigned to the visa. The applicant should keep this visa grant number with them, as they may have to provide it to the department during the life of their visa.

**people** our business



# In the LEEDS County Court

No. of matter: LS12D01713

Between  
and  
and

David Joseph Richmond  
Catherine Victoria Richmond  
Unnamed Man



Petitioner  
Respondent  
Co-Respondent

Referring to the decree made in this cause on the 19th March 2013, whereby it was decreed that the marriage solemnised on the 18th August 2001.

at Marriott Hollins Hall Hotel and Country Club, Hollins Hill, Baildon, Shipley in the District of Bradford in the Metropolitan District of Bradford

between David Joseph Richmond the Petitioner

and Catherine Victoria Richmond the Respondent

be dissolved unless sufficient cause be shown to the court within six weeks from the making thereof why the said decree should not be made absolute, and no such cause having been shown, it is hereby certified that the said decree was on the 13th September 2013, made final and absolute and that the said marriage was thereby dissolved.

Dated: 13th September 2013

## Notes:

1. Divorce affects inheritance under a will  
Where a will has already been made by either party to the marriage then, by virtue of section 18A of the Wills Act 1837:  
(a) any provisions of the will appointing the former spouse executor or trustee or conferring a power of appointment on the former spouse shall take effect as if the former spouse had died on the date on which the marriage is dissolved unless a contrary intention appears in the will;  
(b) any property which, or an interest in which, is devised or bequeathed to the former spouse shall pass as if the former spouse had died on the date on which the marriage is dissolved unless a contrary intention appears in the will.
2. Divorce affects the appointment of a guardian  
Unless a contrary intention is shown in the instrument of appointment, any appointment under section 5(3) or 5(4) of the Children Act 1989 by one spouse of his or her former spouse as guardian is, by virtue of section 6 of that Act, deemed to have been revoked at the date of the dissolution of the marriage.



19 August 2017

David Joseph RICHMOND  
2/331 Avoca Street  
Randwick NSW 2031

Dear David Joseph RICHMOND

**Notification of grant of a Return (Residence) (class BB) (subclass 155) visa**

A decision has been made on this application and visas have been granted on 19 August 2017 to the applicant(s) listed in the attached Visa Grant Notice.

Keep a copy of this letter and the Visa Grant Notice in a safe place for your reference. Your Visa Grant Notice contains useful information which you will need when accessing your electronic visa record through the Department of Immigration and Border Protection's digital systems. The information may also assist organisations and airlines when undertaking checks.

Yours sincerely

Department of Immigration and Border Protection

**In reply please quote:**

Client name	David Joseph RICHMOND
Date of birth	27 February 1972
Date of visa application	16 August 2017
Application ID	2145611116
Transaction reference number	EGOFIF8WBR
File number	BCC2017/2948406
Visa Application Charge Receipt Number	9005422502
Transmission method	Email sent to david-richmond1@hotmail.com







## VISA GRANT NOTICE

David Joseph RICHMOND



### Application details

Date of visa application	16 August 2017
Transaction reference number (TRN)	EGOFIF8WBR
Application ID	2145611116
File number	BCC2017/2948406

### Applicant Details

<b>Applicant Type</b>	<b>Main Applicant</b>
<b>Applicant Name</b>	David Joseph RICHMOND
<b>Date of Birth</b>	27 February 1972
<b>Client ID</b>	37384179327

### Grant Details

<b>Visa Class</b>	Return (Residence) (class BB)
<b>Visa Subclass</b>	Resident Return (subclass 155)
<b>Visa Grant Number</b>	0079510626695
<b>Visa Grant Date</b>	19 August 2017
<b>Travel Document Number</b>	461625236
<b>Travel Document Country</b>	BRITISH -O/SEAS CITZ
<b>Must Not Arrive After</b>	19 August 2022
<b>Stay Period</b>	Indefinite from the date of each arrival
<b>Travel Facility</b>	Multiple
<b>Visa Conditions</b>	NIL

Yours sincerely  
Alison  
Position Number: 00007602  
Department of Immigration and Border Protection  
19 August 2017





# Visa Grant Fact Sheet

David Joseph RICHMOND

This information will help you understand your visa.

## Checking your visa details

You can check and email your visa details and conditions at any time using the Visa Entitlement Verification Online (VEVO) system. To access VEVO, you can use the QR Code provided in the grant notice or visit [www.border.gov.au/vevo](http://www.border.gov.au/vevo)

You will need to enter the following information:

- your Visa Grant Number or Transaction Reference Number
- your passport or ImmiCard information.

You can also check and email your visa details through the myVEVO mobile app.

## Maintaining a valid visa

You have been granted an Australian visa. You must maintain your visa status and not breach your obligations while you are in Australia. You must hold a visa which has not expired to maintain your status as a lawful non-citizen in Australia.

Your visa has been granted for a specific stay period. The stay period is the period of time that you are permitted to stay in Australia. The period is between the date that you are legally entitled to enter Australia and the date that your visa expires. On or before the visa expiry date you will need to leave Australia or make other arrangements with us before this date. Failure to do this will mean your stay will become unlawful. If you think you will not be able to depart Australia by the date your visa expires, you should contact us as soon as possible.

For specific information about whether you are permitted single or multiple entries into Australia, the date of arrival and date of visa expiry, refer to your visa grant notice.

More information about the Community Status Resolution Service (CSRS) is available on our website at [www.border.gov.au/csrs](http://www.border.gov.au/csrs)

## About your visa

The following information applies to you.

- The grant of your visa means that your application was successfully assessed against the visa requirements. Your visa contains a travel facility until 19 August 2022. This date is the expiry date of your travel facility only. This visa permits you to enter and remain in Australia indefinitely as well as travel outside and return as a permanent resident while your travel facility is valid.



A travel facility is the period of time in which you are allowed to travel to Australia. If you leave Australia after the expiry date of your travel facility, you will not be able to return to Australia without being granted a new visa.

## Australian working conditions

### Workplace rights

Pay rates and workplace conditions are set by Australian law. All people working in Australia, including those from overseas, have rights and protections at work. These cannot be taken away by contracts or agreements.

If you have questions about your pay and conditions while in Australia, you can contact the Fair Work Ombudsman for free information, resources and advice.

Visit [www.fairwork.gov.au](http://www.fairwork.gov.au) for information for visa holders and international students. This includes information in 27 languages. There are also a range of helpful videos at [www.youtube.com/fairworkgovau](http://www.youtube.com/fairworkgovau) about working in Australia in many languages.

You can also contact the Fair Work Ombudsman by phone within Australia on 13 13 94 (Translating and Interpreting Service 13 14 50).

### Pay

Your minimum pay rate can come from an award, enterprise agreement or other registered agreement, or the national minimum wage. Employees have to be paid the right pay rate for all hours they work including training, team meetings, opening and closing the business and doing a trial shift.

### National minimum wage

Certain employees may have different pay entitlements depending on whether they have a reduced work capacity because of disability, if they are under the age of 21 or if they are an apprentice or trainee. You can calculate your correct pay and entitlements using the Pay and Conditions Tool at [www.fairwork.gov.au/pay](http://www.fairwork.gov.au/pay)

More information on employment in Australia is available on our website at [www.border.gov.au](http://www.border.gov.au) and on the website of the Department of Employment at [www.employment.gov.au](http://www.employment.gov.au)

### Tax file number

To receive an income in Australia, you need a Tax File Number (TFN). Income includes wages or salary from a job, government payments and income from investments.

For more information or to apply for a TFN online, go to the Australian Taxation Office website at [www.ato.gov.au](http://www.ato.gov.au)

## Information pack on domestic and family violence, sexual assault and forced marriage

The Australian Government has developed a family safety pack with information on Australia's laws regarding domestic and family violence, sexual assault and forced marriage. The family safety pack also includes important information about essential services and emergency contacts in Australia. This information can be found at [www.dss.gov.au/familysafetypack](http://www.dss.gov.au/familysafetypack).

## Character requirements

Entering or remaining in Australia is a privilege. You must obey the law and not engage in criminal activity.

Your visa may be cancelled for a number of reasons, including if you have a criminal record or behave in a way that is a risk to somebody in the Australian community.

More information is available at [www.border.gov.au/about/corporate/information/fact-sheets/79character](http://www.border.gov.au/about/corporate/information/fact-sheets/79character)

## Free English language classes

You may be eligible to access free English language classes through the Commonwealth Government's Adult Migrant English Program (AMEP). You must register for the program within six months of your visa commencement date or the date you arrive in Australia. For more information or to find your local AMEP service provider visit [www.education.gov.au/amep](http://www.education.gov.au/amep) or phone 13 38 73.

## Travelling to and from Australia

You must provide evidence that you have the authority to travel to and enter Australia, and/or remain in Australia by showing your passport or ImmiCard linked to your electronic visa record.

More information is available at [www.border.gov.au/aboutyourvisa](http://www.border.gov.au/aboutyourvisa)

Most countries have specific entry, exit and visa requirements. If you are transiting or exiting through another country, it is your responsibility to check with the relevant government authorities. The Australian Government cannot advise on other countries' requirements.

## Update us

You are required to tell us about any changes to your details as soon as possible.

These changes may include your name, passport, contact details, address or family members.

If you do not notify us of your new details, this can have serious consequences for you.

You must do this in writing and can use Form 1022 *Notification of changes in circumstances* (Section 104 of the *Migration Act 1958*), which is available at [www.border.gov.au/allforms](http://www.border.gov.au/allforms)

For more information about when you need to update us, visit our website at [www.border.gov.au/about/corporate/information/faqs/i-have-lodged-my-visa-application-but-things-have-changed-how-do-i-update-my-application](http://www.border.gov.au/about/corporate/information/faqs/i-have-lodged-my-visa-application-but-things-have-changed-how-do-i-update-my-application)

